

Exhibit C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
CAUSE NO. 17-md-2804
MDL NO. 2804

IN RE: NATIONAL)
PRESCRIPTION OPIATE)
LITIGATION)
THIS DOCUMENT RELATES TO:)
TRACK THREE CASES)

REMOTE VIDEO DEPOSITION OF
CARMEN A. CATIZONE, MS, RPh, DPh
VOLUME I

The deposition upon oral examination of
CARMEN A. CATIZONE, MS, RPh, DPh, a witness produced
and sworn before me, Amy Doman, Registered Merit
Reporter, Certified Realtime Reporter, Certified
Shorthand Reporter, Notary Public in and for the County
of Hamilton, State of Indiana, taken on behalf of the
Defendants, in Mount Pleasant, South Carolina,
scheduled to begin at 8:10 A.M., on Tuesday,
June 15, 2021, pursuant to the Federal Rules of Civil
Procedure.

1 in connection with this matter?

2 A No.

3 Q Did you review the expert report of Craig McCann?

4 A Yes.

5 Q Did you review any other expert reports submitted
6 in connection with this matter?

7 A No.

8 Q In a number of places in Exhibit 6, you listed
9 defendants, quote, dispensing data samples, so for
10 example, the Walmart dispensing data sample. What
11 is that referring to?

12 A The dispensing data that McCann's group provided to
13 me in his report.

14 Q Did you review any data that Mr. McCann provided
15 other than what he put in his report?

16 MR. ELSNER: Objection.

17 A No.

18 BY MS. FUMETON:

19 Q So did you review any specific prescriptions?

20 A No.

21 Q So you just reviewed the result, the aggregate
22 numbers of his analysis; is that accurate?

23 MR. ELSNER: Objection.

24 A Yes.

25 BY MS. FUMETON:

1 Q You haven't looked at any specific prescriptions in
2 connection with this matter, correct?

3 A I have looked at a few of those prescriptions.

4 Q In what context?

5 A In the context of Mr. McCann's report where he
6 noted that information was inaccurate, missing, or
7 made up concerning the doctor DEA and the doctor's
8 address, and information that was there about
9 whether doctors should be arrested or not or were
10 arrested, I did review a small number of scripts
11 that validated what Mr. McCann had in his report.

12 Q How would we identify what small number of scripts
13 you validated?

14 MR. ELSNER: Objection.

15 A I would say I would look up maybe 10 to 20
16 prescriptions that were part of that notation in
17 Mr. McCann's report.

18 BY MS. FUMETON:

19 Q And those are the only specific prescriptions that
20 you reviewed in connection with this -- with your
21 report, correct?

22 MR. ELSNER: Objection.

23 (Stenographer requested clarification.)

24 A Correct. Sorry.

25 BY MS. FUMETON:

1 Q You have no -- you don't know whether the
2 defendants' pharmacists failed to comply with their
3 professional and legal responsibilities, do you?

4 MR. ELSNER: Objection.

5 A Every red flag that wasn't resolved and a
6 prescription dispensed, my answer would be they did
7 not meet that, but I can't identify that to an
8 individual prescription, sir.

9 BY MR. BUSH:

10 Q Have you reviewed in the data that has been
11 produced by Mr. McCann following your red flag
12 analysis how many prescribers have prescriptions
13 flagged under your methodologies?

14 MR. ELSNER: Objection.

15 A No, sir.

16 BY MR. BUSH:

17 Q Have you reviewed how many unique patients had
18 prescriptions that flagged under your
19 methodologies?

20 A No, sir.

21 Q You're aware that the DEA has said that the
22 overwhelming majority of American physicians who
23 provide controlled substances do so for legitimate
24 medical purposes?

25 A I wasn't aware of that statement, sir.

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11 REMOTE VIDEO DEPOSITION OF
12 CARMEN A. CATIZONE, MS, RPh, DPh
13 VOLUME II

14 The deposition upon oral examination of
15 CARMEN A. CATIZONE, MS, RPh, DPh, a witness produced
16 and sworn before me, Amy Doman, Registered Merit
17 Reporter, Certified Realtime Reporter, Certified
18 Shorthand Reporter, Notary Public in and for the
19 County of Hamilton, State of Indiana, taken on behalf
20 of the Defendants, in Mount Pleasant, South Carolina,
21 scheduled to begin at 8:00 a.m., on Wednesday,
22 June 16, 2021, pursuant to the Federal Rules of
23 Civil Procedure.
24
25

1 and Rite Aid, or what she would be instructed to
2 say to pharmacists in her role.

3 BY MR. GISLESON:

4 Q Was there anyone else at Rite Aid with whom you had
5 a discussion whether Rite Aid pharmacists had to
6 document resolution of red flags?

7 A Former employee of Rite Aid, Michael Podgurski.

8 Q What position did he have?

9 A I believe he was at one time, Janet Hart's boss.

10 Q What was that discussion?

11 A Same discussion as with Janet Hart.

12 Q Anything different or in addition?

13 A I think there was pretty extensive discussion and
14 pretty significant.

15 Q When did that discussion secure?

16 A Again, right after Rite Aid was taken to task by
17 the state boards of pharmacy for its imposition of
18 metrics to fill prescriptions in a certain amount
19 of time, sir.

20 Q Did you do any analysis of Rite Aid's staffing at
21 its pharmacies in Lake or Trumbull Counties?

22 A No, sir.

23 Q Did you do an analysis of staffing at any other
24 chain pharmacy in Lake or Trumbull County to
25 determine whether that staffing was adequate?

1 A No, sir.

2 Q Did you do any analysis for any chain pharmacy in
3 this case to determine whether any time limits or
4 time guarantees relating to filling opioid
5 prescription medications interfered with their
6 exercise of corresponding responsibility?

7 A I'm sorry. Did you say other pharmacies outside of
8 Rite Aid?

9 Q Any pharmacies. Any of the chain pharmacies in
10 this case. Did you do any analysis to determine
11 whether any time limits or time guarantees relating
12 to filling opioid medications interfered with their
13 exercise of corresponding responsibility?

14 A The analysis was information that NABP and I
15 received firsthand from pharmacists in those
16 chains, information from the American Pharmacists
17 Association, which is included in my report, and
18 then the resolution passed by the members of NABP
19 that asked NABP to look at the situation because of
20 reports state boards of pharmacy were hearing that
21 those metrics were interfering with the
22 pharmacists' ability to conduct their due
23 diligence.

24 Q Can you identify any prescription listed among your
25 flagged prescriptions for which a pharmacist failed

1 to clear a red flag because that pharmacist was
2 under time pressure?

3 MR. ELSNER: Objection.

4 A I can't identify individual prescriptions but,
5 again, my report talks about the impact that had
6 based on the aggregate data.

7 BY MR. GISLESON:

8 Q Is it true that when the Ohio Board of Pharmacy
9 does an inspection of a pharmacy in Lake or
10 Trumbull County, that one of the issues that's
11 evaluated is staffing levels?

12 A I don't know if that's restricted to just Lake and
13 Trumbull County, sir. I think it's a metric that
14 they look at all pharmacies.

15 Q All pharmacies throughout Ohio?

16 A I believe so, sir.

17 Q Do you also understand that the Ohio Board of
18 Pharmacy, when doing an inspection, also evaluates
19 whether improper dispensing occurred?

20 A I'm not specifically aware, but believe that would
21 be one of the tenets, again, that the board of
22 pharmacy would look at.

23 Q Does the board of pharmacy also look at whether
24 pharmacists for a particular pharmacy have access
25 to OARRS to request reports when needed?